

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
AMERICAN PATENT DEVELOPMENT)	
CORPORATION, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 07-605-JJF
v.)	
)	
MOVIELINK, LLC,)	
)	
Defendant.)	
_____)	

ANSWER TO COUNTERCLAIMS

Plaintiff American Patent Development Corporation, LLC (“American”), by its undersigned counsel, responds to the correspondingly numbered paragraphs of the counterclaims of defendant Movielink, LLC (“Movielink”) as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. American incorporates by reference its responses to the allegations in paragraphs 1 through 7 as if fully set forth herein.

9. Denied.

10. American incorporates by reference its responses to the allegations in paragraphs 1 through 7 as if fully set forth herein.

11. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

12. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

13. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

14. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

15. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

16. American is without knowledge or information sufficient to form a belief as to the truth of these allegations because they attempt to define the claims of the '402 patent prior to the Court's claim construction (claim construction is governed by, among other things, paragraph 7 of the December 4, 2007 Order Setting Rule 16(b) Conference).

17. Denied.

American denies any allegation in the counterclaims that it has not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. The counterclaims fail to state a claim upon which relief can be granted.
2. Each claim of the '402 patent is presumed valid pursuant to 35 U.S.C. § 282.

WHEREFORE, American requests the Court to grant it the following relief on Movielink's counterclaims:

- A. That judgment be granted in favor of American on the counterclaims, and that the counterclaims be dismissed with prejudice;
- B. That the relief requested in the counterclaims be denied;
- C. That American be awarded its costs and attorney's fees; and
- D. That the Court award American such other and further relief as may be appropriate in accordance with applicable law.

Dated: December 20, 2007

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**AMERICAN PATENT DEVELOPMENT
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Civil Action No. 07-605-JJF

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I electronically filed the foregoing Answer to Counterclaims with the Clerk of Court using CM/ECF which will send notification of such filing to the following counsel of record:

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